

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6158

AN ORDINANCE determining the public advantage in vacating a portion of 139th Avenue SE (entrance to Forest Ridge School of the Sacred Heart) in the City of Bellevue, Washington and vacating the same subject to certain conditions.

WHEREAS, on January 21, 2014, the City Council passed Resolution 8679 fixing the time and place for a hearing to consider the vacation of a portion of 139th Avenue SE within the City of Bellevue, Washington and gave notice of said hearing by posting and mailing in the manner required by law; and

WHEREAS, investigation was made as to the use of said right-of-way and the public interests serviced or damaged by the change in such use by the vacation thereof; and

WHEREAS, a hearing was held upon the said petition on the 18th day of February, 2014, at the time and place fixed in said resolution and notice; and

WHEREAS, no public comments were received at the hearing; and

WHEREAS, following said hearing the City Council found that the vacation of such portion of said street will better serve the public good; that such portion of said street is no longer required for public use; and

WHEREAS, no objections to the vacation were made; and

WHEREAS, Forest Ridge has proposed a property trade with the City to correct the location of the current right-of-way versus the actual location of the roadway; and

WHEREAS, Forest Ridge would deed approximately 3,720 square feet of land to the City, which is the location of the City's current roadway; and

WHEREAS, in return the City would deed to the school approximately 2,300 square feet of right-of-way that is not needed for the roadway; and

WHEREAS, this dedication in lieu of compensation would fully correct the alignment of the existing roadway and right-of-way; and

WHEREAS, said vacation also will be subject to the reservation of necessary water line, and public and franchise utility easements, and subject either to payment of compensation by Forest Ridge, the respective abutting property owners, in

accordance with Bellevue City Code 14.35.120 or grant or dedication of real property in lieu thereof as provided by Bellevue City Code 14.35.090; and

WHEREAS, upon payment of either compensation by Forest Ridge in accordance with Bellevue City Code 14.35.130-14.35.150, or grant or dedication of real property in lieu thereof, as provided by Bellevue City Code 14.35.160 and fulfillment of all other conditions established herein for the vacation, such a portion of said street should be vacated and the City Clerk should be directed to have this ordinance recorded with the King County Office of Elections and Records and to take any other action necessary to vacate such streets or portions thereof; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. The portion of 139th Avenue Southeast, as described in Attachment A hereto, which by this reference is incorporated herein, is hereby vacated subject to the fulfillment of all conditions set forth in Section 2 of this ordinance;

PROVIDED, however, that the City of Bellevue reserves and establishes an easement over the vacated area for water lines and public and franchise utility purposes, and that the applicants ensure that documents are recorded for said easements.

Section 2.

- a) The City Clerk is directed to record a certified copy of this ordinance with the King County Department of Records and Elections and the City Manager or his designee is directed to take any other action necessary to vacate such street or portion thereof upon evidence of satisfactory completion of all conditions of such vacation, including but not limited to, reservation of necessary water lines and public and franchise utility easements;
- b) Either payment of compensation to the extent and in the amount required by Bellevue City Code 14.35.120, or grant or dedication of property in lieu of monetary compensation as provided in Bellevue City Code 14.35.090 or comparable compensation acceptable to the City, and payments of all costs of acquisition services needed to convey title including the costs of final survey, appraisals, recording fees, escrow, title insurance, processing fees and any other costs related to the purchase of the property, except as otherwise agreed by the parties.
- c) If Forest Ridge elects to grant or dedicate of property in lieu of monetary compensation as provided in Bellevue City Code 14.35.090, Forest Ridge shall dedicate by deed approximately 3,720 square feet of land to the City, which is the location of the City's current roadway; and, the City in return, will deed to Forest Ridge approximately 2,300 square feet of right-of-way that is


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not needed for the roadway, said dedication in lieu of compensation would fully correct the alignment of the existing roadway and right-of-way.

Section 3. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 7th day of April, 2014,
and signed in authentication of its passage this 7th day of April, 2014.

(SEAL)




Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Jerome Y. Roaché, Assistant City Attorney
Attest:



Myrna L. Basich, City Clerk

Published: April 10, 2014.

Attachment A

PROPOSED STREET VACATION DESCRIPTION

All that portion of 106th Avenue Southeast, as now established, lying west of Lots 3 and 4, TRINWITH ADDITION, according to the Plat thereof recorded in Volume 44 of Plats, page 96, records of King County, Washington, that would attach by operation of law, being more particularly described as follows:

BEGINNING at the southwest corner of said Lot 4, said point being on the East margin of said 106th Avenue Southeast;

THENCE North 88°23'31" West, parallel with the south line of said Lot 4, a distance of 10.80 feet;

THENCE North 46°13'38" West 26.52 feet to the centerline of said 106th Avenue Southeast;

THENCE North 00°09'40" East, along said centerline, 102.19 feet to the southwest corner of Lot 2 of said plat;

THENCE South 88°23'31" East, along the south line thereof, a distance of 30.01 feet to the northwest corner of said Lot 3;

THENCE South 00°09'40" West, along the west line of said Lots 3 and 4 and along said margin, 120.00 feet to the POINT OF BEGINNING.

(Contains 3,429.1 square feet, 0.08 ac.)